

U.S. Department of Labor

Benefits Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



BRB No. 17-0252 BLA
2012-BLA-06123

FREEDIA COMBS)	
(o/b/o the Estate of VIRGIL COMBS))	
)	
Claimant-Respondent)	
)	
v.)	
)	
LANCE COAL CORPORATION)	
)	DATE ISSUED: 04/25/2018
and)	
)	
R & B FALCON CORPORATION)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On March 28, 2018, the Board ordered the parties to show cause within ten (10) days of receipt of the Board's Order why this case should not be remanded for the administrative law judge to reconsider the substantive and procedural actions previously taken and to issue a decision on the merits accordingly. The Director, Office of Workers' Compensation Programs (the Director), responds that she does not object to the case being remanded. Claimant responds that in the interest of judicial economy, this case should not

be remanded. Employer/carrier (employer) responds that a remand would be futile because, in employer's view, there are no constitutionally appointed administrative law judges at the Department of Labor.

Upon consideration of the positions of the parties, we agree with the Director that under these circumstances the most expeditious course of action is to remand this case to the administrative law judge to promptly reconsider the substantive and procedural actions previously taken and to issue a decision on the merits accordingly.¹ 20 C.F.R. §802.405(a). Any party adversely affected by the administrative law judge's decision may file a new appeal with the Board within thirty (30) days of the date that the decision is filed with the district director. 20 C.F.R. §802.205.

Therefore, this case is remanded to the administrative law judge for further proceedings consistent with this Order.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge

¹ See, e.g., *Miller v. Pine Branch Coal Sales, Inc.*, BRB No. 17-0555 BLA (Mar. 9, 2018)(Order)(granting the Director's Motion to Remand).